REMARKS/ARGUMENTS

The Invention

The invention pertains to a composition comprising an interluekin-2 receptor associated polypeptide, wherein the polypeptide is capable of forming a complex with the monoclonal antibody produced by the hybridoma PTA-82, and methods of purifying the same.

The Pending Claims

Claims 1, 3, 5, 9, 11-15, 23, and 26-29 are pending. Claims 1, 3, 5, 23, and 26-29 are directed to compositions comprising interleukin-2 receptor associated polypeptides, which are capable of forming a complex with monoclonal antibodies produced by the hybridoma PTA-82, wherein said interleukin-2 receptor associated polypeptides are expressed by cells selected from the group consisting of Kit-225 cells and YT cells . Claims 9 and 11-15 are directed to methods of purifying the subject interleukin-2 receptor associated polypeptides.

The Amendments to the Claims

Claims 22, 24, and 25 have been canceled. Claims 1, 3, 27 and 29 have been amended to cancel "HuT 102 cells" without prejudice and to claim "YT cells." This amendment is supported by the specification, at, for example, page 26, lines 20-26. To maintain a proper antecedent basis, dependent claim 12 has been amended to recite "polypeptide" rather than "protein." These amendments are supported by the specification at, for example, page 26, lines 8-9. Accordingly, no new matter has been added by way of these amendments.

Discussion of Rejection Under 35 U.S.C. §§ 102(b)/103(a)
From Advisory Action Dated November 1, 2006

Claims 1, 3-5, 9, 13-15, 23, and 26-29 are rejected under Section 102(b) as allegedly anticipated by, or in the alternative, under Section 103(a) as allegedly obvious in view of, Colamonici et al. This rejection is traversed for the reasons set forth below.

The Advisory Action alleges that Colamonici et al. discloses polypeptides having molecular weights of *about* 32-34 kDa (i.e., 37 kDa), and *about* 26 kDa-28 kDa (i.e., 20 kDa), which associate with a subunit of the IL-2 receptor.

Colamonici et al. specifically discloses IL-2 receptor associated polypeptides of 37 kDa and 20 kDa, which were immunoprecipitated from HuT-102 and MT-1 cells with anti-Tac and 7G7/B6 monoclonal antibodies (see Colamonici et al. at page 159, second column). Applicants submit that in view of the claim amendments, the inventive compositions now comprise polypeptides expressed from Kit 225 and YT cells – cell lines

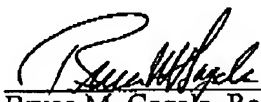
not disclosed in Colamonici et al. On page 2 of the last Advisory Action, the Office stated that different cell lines represent different cell sources and it is improper to compare the identification polypeptides between different cell sources. Accordingly, it is improper to compare the polypeptides disclosed in Colamonici et al. with the claimed compositions comprising novel IL-2 receptor associated polypeptides as Colamonici et al. relied on a different cell source than either Kit 225 or YT cells.

Colamonici et al. also does not render obvious the subject matter of the pending claims. As discussed above, Colamonici et al. does not disclose or suggest an IL-2 receptor associated protein expressed by Kit 225 or YT cells that is capable of forming a complex with the monoclonal antibody produced by the hybridoma PTA-82, and Colamonici et al. does not disclose a polypeptide having the above recited characteristics and a molecular weight of about 32-34 kDa or about 26-28 kDa. Colamonici et al. does not suggest to one of ordinary skill in the art a polypeptide having the claimed characteristics including a molecular weight of about 32-34 kDa or about 26-28 kDa, nor would the teachings of Colamonici et al. motivate one skilled in the art to isolate such polypeptides. On the contrary, in view of the teachings of Colamonici et al. one skilled in the art would be left, not with the claimed polypeptides, but with materially different polypeptides from different cell sources. Thus, in view of the deficiencies Colamonici et al., one of ordinary skill in the art would not reasonably rely on the teachings or suggestions of Colamonici et al. to arrive at the claimed invention.

Conclusion

In view of the foregoing reasons, including the amended claims above-presented, this application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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